1	STEVEN W. MYHRE	
2	Acting United States Attorney Nevada Bar No. 9635 CHAD W. MCHENRY Assistant United States Attorney District of Nevada 501 Las Vegas Blvd. South, Suite 1100 Las Vegas, Nevada 89101 (702) 388-6336 Chad.W.McHenry@usdoj.gov Representing the United States of America	
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8	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA	
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10	United States of America,	
11	Plaintiff,	Case No. 2:17-cr-00149-JCM-CWH
12	v.	Government's Rule 48 Motion to Dismiss the Indictment
13	Brascia Briggs-Fenison,	
14	Defendant.	
15		
16	The United States of America, by and through STEVEN W. MYHRE, Acting	
17	United States Attorney, and CHAD W. MCHENRY, Assistant United States Attor	
18	ney, respectfully moves to dismiss the Indictment in the above-captioned cause num	
19	ber without prejudice pursuant to Federal Rule of Criminal Procedure 48(a).	
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PROCEDURAL HISTORY

On May 9, 2017, the defendant was indicted by a federal grand jury sitting in the District of Nevada for one count of being a felon in possession of a firearm, one count of possession of a Postal Service arrow key, and one count of possession of stolen mail. ECF No. 12. On June 13, 2017, the defendant filed her motion to suppress. ECF No. 13. The government responded on June 23, 2017, ECF No. 23, and this Court heard argument on the matter on June 26, 2017. ECF No. 24. In the Court's report and recommendation, filed July 6, 2017, it recommended that the defendant's motion to suppress be granted. ECF No. 31.

Objections to the Court's report and recommendation are due July 20, 2017. ECF No. 31. In lieu of an objection, the government files this motion to dismiss.

Jury trial is currently scheduled for August 21, 2017. ECF No. 30.

ARGUMENT

Rule 48(a) of the Federal Rules of Criminal Procedure provides that "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." Fed. R. Crim. P. 48(a). Based upon a thorough review of the evidence in light of the Court's ruling on the defendant's motion to suppress, ECF No. 31, the government has concluded that the interests of justice require dismissal of the indictment as to the defendant. The government therefore moves for immediate dismissal of the indictment without prejudice in the above-captioned case.

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CONCLUSION

For the reasons discussed above, the United States respectfully requests that this Court grant its motion to dismiss without prejudice.

DATED this 17th day of July, 2017.

Respectfully submitted,

STEVEN W. MYHRE Acting United States Attorney

/ s / Chad McHenry

CHAD W. MCHENRY Assistant United States Attorney

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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Brascia Briggs-Fenison,

Defendant.

Case No. 2:17-cr-00149-JCM-CWH

Proposed Order Dismissing the Indictment

Under Federal Rule of Criminal Procedure Rule 48(a), and by leave of Court endorsed hereon, the United States Attorney for the District of Nevada hereby dismisses the Criminal Indictment filed on May 9, 2017, and requests that the above-captioned case be closed. Leave of Court is granted for the filing of the foregoing dismissal and the case is dismissed without prejudice.

IT IS SO ORDERED.

DATED: July 18, 2017

C.W. HOFFMAN, JR.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Attorney's Office. A copy of this ${\bf GOVERNMENT}$ 'S RULE 48 MOTION TO DISMISS THE INDICTMENT

was served upon counsel of record, via Electronic Case Filing (ECF).

DATED this 17th day of July, 2017.

/ s / Chad McHenry

CHAD W. MCHENRY Assistant United States Attorney